

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ernst Janzen et al.  
Serial No. : 08/399,535  
US Patent No.: 7,008,439  
Filed : March 7, 1995  
Issued : March 7, 2006  
Title : DEVICE AND METHOD FOR SEALING PUNCTURE WOUNDS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL STATEMENT IN SUPPORT OF  
PETITION UNDER 37 C.F.R. §§1.324, 1.42 AND 1.183 FOR CORRECTION OF INVENTORSHIP

On August 25, 2010 the undersigned filed a Petition under 37 C.F.R. §§1.324, 1.42, and 1.183 for Correction of Inventorship (hereinafter, "the Petition") on behalf of the Patent Owner. The Patent Owner would like to bring to the Office's attention certain facts concerning the relationships between the Patent Owner and the individuals who provided statements in support of the Petition.

Two of the named inventors, Messrs. Janzen and Ruttgers, were retained in October 2008 and March 2009, respectively, by the Patent Owner in connection with pending litigation involving US Patent No. 7,008,439 to assist the Patent Owner, *inter alia*, in understanding the invention process that led to the issuance of that patent. The Patent Owner acquired its interest in the '439 patent through a sale of assets from the original assignee, Datascope Investment Corp., to the Patent Owner in August 2008. The above referenced lawsuit is

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captioned *St. Jude Medical, Inc. et al v. Access Closure, Inc.*, Civil Action No. 4:08-cv-04101-HFB and is pending in the United States District Court for the Western District of Arkansas. The consultants have been reimbursed for the time incurred in their consultations. The Patent Owner anticipates that one or both of the consultants may hereafter submit an invoice for the short time incurred in connection with the Petition as well. Their rate is \$175 per hour.

The representative of the omitted inventor's estate, Mr. Joseph Wolvek, had no prior relationship with the Patent Owner, has not been a consultant to the Patent Owner, and was contacted by the Patent Owner only because he is the representative of Sydney Wolvek's estate. After the declaration was executed, the Patent Owner agreed to reimburse Mr. Wolvek on an hourly basis for the short time spent in connection with the Petition, together with his out-of-pocket expenses. His rate is \$150 per hour.

If the Office has any interest in receiving additional information concerning these matters, kindly notify the undersigned. No fees are believed due at this time. The Office is authorized to apply any charges or credits to deposit account 09-0946.

Respectfully submitted,

Dated: September 7, 2010

/Greg H. Gardella/

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